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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,709	08/25/2006	Eugene Pascal Herczog	0470.0021C	4391
27896 7590 04/22/2009 EDEL, SHAPIRO & FINNAN, LLC 1901 RESEARCH BOULEVARD SUITE 400 ROCKVILLE, MD 20850				
EXAMINER				
NGUYEN, DUC M				
ART UNIT		PAPER NUMBER		
2618				
NOTIFICATION DATE		DELIVERY MODE		
04/22/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

epatent@usiplaw.com

# Office Action Summary

**Application No.**

10/590,709

**Applicant(s)**

HERCZOG ET AL.

**Examiner**

DUC M. NGUYEN

**Art Unit**

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This action is in response to applicant's response filed on 2/4/09. Claims 6-12 are now pending in the present application. **This action is made final.**

#### *Claim Rejections - 35 USC 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:  
  
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claims **6-12** are rejected under 35 U.S.C. 103(a) as being unpatentable by **Khlat** (US 2004/0037379) in view of **Hsieh et al** (US 7,260,068).

Regarding claim **6**, **Khlat** teaches a GSM/UMTS wireless communications network participant comprising:

a plurality of communications subsystems, each subsystem being arranged to transmit and/or receive signals under a different telecommunications standard (see Fig. 1 and [0015]);

a single clock for generating a single timing signal (see Figs. 1, 4, and [0016, 0053] regarding clock source 110); and

a layer 1 accumulator timer for sending commands to at least one of the subsystems for its or their operation, the accumulator timer deducing the timing of the commands relative to the clock signal (see Fig. 2 and [0027-0031, 0044] regarding layer 1 accumulator timers).

However, **Khlat** is silent with a scheduler for the accumulator timers. However, **Hsieh** teaches a scheduler for deducing the timing of the commands relative to the clock signal by setting a count value for a counter for synchronization purpose (see Fig. 3 regarding refs. 84, 74, 75, 72 and col. 11, lines 42-48). Since **Khlat** teaches accumulator timers are used to count and derive GSM timebase value and UMTS timebase value from a single clock 26 MHz for synchronizing with GSM/UMTS base stations, one skilled in the art would recognize that these accumulator timers would obviously comprise counters (see **Khlat**, Fig. 2, [0027]) in order to count and derive GSM timebase value and UMTS timebase value from a single clock 26 MHz in the similar way as disclosed above by **Hsieh**. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify **Khlat** for providing a scheduler as suggested by **Hsieh**, to command the accumulator timers in **Khlat** to set a count value for each counter in accumulator timers so that a GSM clock timebase signal and a UMTS clock timebase signal would be achieved for synchronizing with the timing of a respective GSM base station or a respective UMTS base station, for synchronizing and/or power management purpose.

Regarding claim 7, the claim is rejected for the same reason as set forth in claim 6 above. In addition, it is clear that **Khlat** as modified in view of **Hsieh** would teach

several subsystems each receive commands from the scheduler on the basis of the clock signal (see Hsieh, Fig. 3 regarding refs. 84, 74, 75, 72 and col. 11, lines 42-48).

Regarding claim **8**, the claim is rejected for the same reason as set forth in claim 6 above. In addition, it would have been obvious to one skilled in the art at the time the invention was made to modify **Khlat** for providing the clock signal that would match to at least one of the subsystems without the intermediary of the scheduler in the similar way as disclosed by **Hsieh** (see Fig. 1 regarding timing generator 46 of the GSM system receiving a clock signal without the need of a counter or the intermediary of the scheduler), for cost saving (i.e, by eliminating a counter).

Regarding claim **9**, the claim is rejected for the same reason as set forth in claim 6 above. In addition, **Khlat** teaches one of said subsystems is a GSM subsystem and another is a UMTS subsystem (see [0044]).

Regarding claim **10**, the claim is rejected for the same reason as set forth in claim 8 above.

Regarding claim **11**, the claim is rejected for the same reason as set forth in claim 7 above.

Regarding claim **12**, the claim is rejected for the same reason as set forth in claim 9 above.

3. Claims **10-12** are rejected under 35 U.S.C. 103(a) as being unpatentable by **Ormson** (US 7,433,709) in view of **Hsieh et al** (US 7,260,068).

Regarding claim **10**, **Ormson** teaches a GSM/UMTS wireless communications network participant comprising:

a plurality of communications subsystems, each subsystem being arranged to transmit and/or receive signals under a different telecommunications standard (see Fig. 1 and col. 3, lines 35-67);

a generator for generating a clock signal (see Fig. 1, col. 4, lines 15-20); and  
a DSP/logics for sending commands to at least one of the subsystems for its or their operation, the DSP/logics deducing the timing of the commands relative to the clock signal (see Fig. 1, col. 4, lines 8-48 regarding counters 24, 32 and logic blocks 18, 26).

However, **Ormson** fails to teach a scheduler for the DSP/logics. However, **Hsieh** teaches a scheduler for deducing the timing of the commands relative to the clock signal by setting a count value for a counter (see Fig. 3 regarding refs. 84, 74, 75, 72 and col. 11, lines 42-48). Since **Ormson** and **Hsieh** both teach a sleep mode signal and counters, it would have been obvious to one skilled in the art at the time the invention was made to modify **Ormson** for providing a scheduler as suggested by **Hsieh**, to command the independent logics in the **Ormson** to set a count value for each counter in independent logics so that a GSM clock timebase signal and a UMTS clock timebase signal would be achieved for synchronizing with the timing of a respective GSM base station or a respective UMTS base station, for synchronizing and/or power management purpose.

Further, since **Ormson** suggests a single DSP and a single logic block for both GSM and UMTS (see col. 4, lines 1-7), it would have been obvious to one skilled in the art at the time the invention was made to modify **Ormson** for providing the clock signal that would match to one of the subsystems without the intermediary of the scheduler in the similar way as disclosed by **Hsieh** (see Fig. 1 regarding timing generator 46 of the GSM system receiving a clock signal without the need of a counter or the intermediary of the scheduler), for cost saving (i.e., by eliminating a counter).

Regarding claim 11, the claim is rejected for the same reason as set forth in claim 6 above. In addition, it is clear that **Ormson** as modified in view of **Hsieh** would teach several subsystems each receive commands from the scheduler on the basis of the clock signal (see Hsieh, Fig. 3 regarding refs. 84, 74, 75, 72 and col. 11, lines 42-48).

Regarding claim 12, the claim is rejected for the same reason as set forth in claim 6 above. In addition, **Ormson** teaches one of said subsystems is a GSM subsystem and another is a UMTS subsystem (see col. 3, lines 39-67).

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 6-12 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

See the attached PTO-892.

7. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(571) 273-8300 (for **formal** communications intended for entry)



(571)-273-7893 (for informal or **draft** communications).

Hand-delivered responses should be brought to Customer Service Window,  
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

Any inquiry concerning this communication or communications from the examiner  
should be directed to Duc M. Nguyen whose telephone number is (571) 272-7893,  
Monday-Thursday (9:00 AM - 5:00 PM).

Or to Nay Maung (Supervisor) whose telephone number is (571) 272-7882.

/Duc M. Nguyen/

Primary Examiner, Art Unit 2618

Apr 17, 2009